

REMARKS

Claims 15-17, 19-24, 39, and 40 are pending. Claims 15-17, 19, 20, 22-24, 39, and 40 have been amended. Claims 14 and 38 have been cancelled without prejudice or disclaimer as to Applicants' right to pursue the subject matter of these claims in a continuing application. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Entry of this amendment is respectfully requested as no new search is required and it places the application in condition for allowance or at least in better form for appeal.

Double Patenting

Claims 14, 16, 17, 19, 21-23, and 38-40 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 2, 4-21, 24-27, 29-47, and 51 of co-pending Application No. 08/961,408 in view of Parulski et al (U.S. Patent No. 5,828,406) and Whipple et al (U.S. Patent No. 5,926,215) and claims 15 and 24 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 2, 4-21, 24-27, 29-47, and 51 of co-pending Application No. 08/961,408 in view of Terada et al (U.S. Patent No. 6,124,888), Parulski et al. (U.S. Patent No. 5,668,597), and Udagawa et al (U.S. Patent No. 5,880,781). Applicants have filed a Terminal Disclaimer in Application No. 08/961,408 (U.S. Patent No. 6,661,451) and will file a Terminal Disclaimer, if necessary, once this application is in otherwise allowable condition.

Claim Rejections Under 35 U.S.C. § 112

Claims 39 and 40 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make or use the invention. Specifically, the Office Action indicated that claims 39 and 40 recite "(c) a mode for reading out with eliminating every third line and summing every line pair" and that it was unclear which species disclosed this feature. Applicants have amended claims 39 and 40 for clarity to more clearly recite that every first and third line is summed. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 103

A. Claims 14, 16, 17, 19-21 and 38 were rejected under 35 U.S.C. § 103(a) over Parulski et al. (U.S. Patent No. 5,668,597) in view of Whipple et al. (U.S. Patent No. 5,926,215). Applicants submit that this rejection is moot in view of the cancellation of claims 14 and 38 and the amendments to claims 16, 17, and 19-21 to depend from claim 15 which was not rejected over Parulski '597 in view of Whipple. Applicants also amended claim 15, and claims dependent therefrom, to remove the term "means" to avoid being misconstrued as reciting means-plus-function limitations which are limited to structures disclosed in the specification and equivalents thereof. Such amendments are intended to make it clear that the claims cover broader concepts of the invention rather than specific embodiments.

B. Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) over Parulski '597, in view of Whipple and further in view of Parulski et al. (U.S. Patent No. 5,828,406). Applicants respectfully submit that this rejection is also moot in view of the amendments to claims 22 and 23 to depend from claim 15 which was not rejected above over Parulski '597 in view of Whipple or over Parulski '597 in view of Whipple and Parulski '406.

C. Claims 15 and 24 were rejected under 35 U.S.C. § 103(a) over Terada et al. (U.S. Patent No. 6,124,888) in view of Parulski '597 and Udagawa et al. (U.S. Patent No. 5,880,781). Applicants respectfully traverse this rejection because the Terada reference can no longer be considered valid prior art.

The effective U.S. filing date under § 102(e) of the Terada reference is after Applicants' priority date of January 20, 1997. To perfect the claim for priority made herein, Applicants submit herewith an English translation of the certified priority document, which is verified to be accurate. Therefore, Terada is not valid prior art. Accordingly, Applicants request that this rejection be withdrawn.

Conclusion

In view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975 under order No. 30968/245024. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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